

MONTANA LEGISLATIVE HISTORY

Chapter 428 19 79

Bill H _____ S 461 Original bill & history X c

H. Committee on JUDICIARY

Hearing Date(s) 3/8 X c

EXEC. ACTION 3/14 X c

_____ c

_____ c

Date Out _____ c

S. Committee on FISH & GAME

Hearing Date(s) 2/17 X c

EXEC. ACTION _____ c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

CHAPTER NO. 428.

SENATE BILL NO. 461

INTRODUCED BY S. BROWN, VAN VALKENBURG

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Fish and Game.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 15, 1979	Committee recommend bill be concurred in. Report adopted.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE SENATE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Agate* BILL NO. *461*
2 INTRODUCED BY *J. Brown Van Valkenburg*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 APPOINTMENT PROCEDURES AND DUTIES FOR CITY ATTORNEYS;
6 AMENDING SECTIONS 7-4-4201, 7-4-4602, 7-4-4604, AND
7 7-4-4605, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 7-4-4201, MCA, is amended to read:

11 "7-4-4201. Salary of officers. (1) The council must by
12 ordinance fix the salaries and compensation of the city
13 officers, policemen, and other employees, which must not
14 exceed the amount specified in this code.

15 (2) The salary and compensation of an officer must not
16 be increased or diminished during his term of office, except
17 as provided in 7-4-4605.

18 (3) The maximum annual salary of a mayor must be fixed
19 by ordinance in all classes of cities.

20 (4) The annual salary and compensation of the
21 treasurer must be fixed by ordinance and must be for all
22 services rendered by such treasurer in any capacity.

23 (5) The annual salary and compensation of the city
24 attorney must be fixed by ordinance, except as provided in
25 7-4-4605.

1 (6) The annual salary and compensation of the city
2 clerk must be fixed by ordinance.

3 (7) The compensation of the street commissioner, chief
4 of the fire department, city surveyor, and other city
5 officers not provided in this code may be prescribed by
6 ordinance."

7 Section 2. Section 7-4-4602, MCA, is amended to read:

8 "7-4-4602. Appointment -- Term term of office. (1)
9 The city attorney must be appointed by the mayor, subject to
10 approval by the city council.

11 (2) The city attorney shall hold his office for 2
12 years unless suspended or removed as provided by law."

13 Section 3. Section 7-4-4604, MCA, is amended to read:

14 "7-4-4604. Duties. It shall be the duty of the city
15 attorney to attend before the city court and other courts of
16 the city and the district court and prosecute on behalf of
17 the city. ~~He shall generally do and perform such other acts~~
18 ~~as pertain to the office of the city or corporation council.~~
19 He shall, when required, draw, for the use of the council,
20 contracts and ordinances for the government of the city and,
21 when required, give to the mayor or city council written
22 opinions on questions pertaining to the duties and the
23 rights, liabilities, and powers of the corporation. ~~He shall~~
24 ~~perform such other duties as pertain to the functions of the~~
25 ~~city council or as the city council may prescribe by~~

1 resolution."

2 Section 4. Section 7-4-4605, MCA, is amended to read:

3 "7-4-4605. Employment of special or additional
4 counsel. Nothing in this part shall be taken or construed as
5 preventing the city council from employing other--and
6 additional--counsel in special cases and--providing--for--the
7 payment-of-such-services on a contract basis;

8 (1) the city attorney to perform services not
9 specifically provided for under 7-4-4604; or

10 (2) additional or other counsel."

-End-

SENATE BILLS - Page 2

COMMITTEE ON FISH AND GAME

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
SB 475	2-12-79	2-17-79	TABLED ON FEBRUARY 17, 1979						
SB 485	2-12-79	2-17-79	2-17-79		2-17-79				
SB 488	2-12-79	2-17-79	2-17-79	2-17-79	(PLACED ON THE CONSENT CALENDAR)				
SB 461	2-12-79	2-17-79	2-17-79	2-17-79					
SB 470	2-12-79	2-17-79	2-17-79		2-17-79				
SB 497	2-13-79	2-17-79	2-19-79			2-19-79			
SB 501	2-13-79	2-17-79	2-17-79			2-17-79			
SB 504	2-13-79	2-17-79	2-17-79			2-17-79			

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OF MONTANA

REVIEW, DURING THE NEXT FOUR BIENNIUMS, RULES ADOPTED BY CERTAIN STATE AGENCIES SUBJECT TO APPROVAL BY THE LEGISLATURE, RULES TO BE CONTINUED OR INVALIDATED."

Senator Greg Jergeson, Chief Sponsor, explained that this legislation is to require the Administrative Code Committee to review rules adopted by certain state agencies.

There being no proponents or opponents, Chairman Smith asked for questions from the Committee.

DISPOSITION OF SB 488: Senator Van Valkenburg made a motion that SB 488 DO PASS AND BE PLACED ON THE CONSENT CALENDAR. The motion carried unanimously by a voice vote.

CONSIDERATION OF SB 461, A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE APPOINTMENT PROCEDURES AND DUTIES FOR CITY ATTORNEYS."

Senator Steve Brown, Chief Sponsor of the bill, explained this legislation would revise appointment procedures for and duties of city attorneys. After some discussion, it was decided the bill would benefit small towns, as well as the larger cities.

DISPOSITION OF SB 461: Senator Manley made a motion that SB 461 DO PASS. Senator Goodover seconded the motion and it carried unanimously by a voice vote.

CONSIDERATION OF SB 501, A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TRAPPERS TO FILE MAPS OF THEIR TRAPLINES WITH THE DEPARTMENT OF FISH AND GAME AND MAKING TRAPPERS STRICTLY LIABLE FOR ALL DAMAGE DONE TO LIVESTOCK."

Senator Mark Etchart, Chief Sponsor of the bill, explained it. He asked if Mr. Wayne Putts, who is very familiar with snares, could testify in regard to the bill. Permission to do this was granted, and Mr. Putts produced pictures of animals that had been caught in snares, causing such injuries that cattle buyers would only consider buying the animals for dog food. He also mentioned that horseback riders have been thrown from their horses when the animals are caught in these snares. A snare was passed around the Committee for examination.

DISPOSITION OF SB 501: Proposed amendments were discussed. (Please refer to Standing Committee Report.) Senator Manley made a motion that SB 501, AS AMENDED, DO PASS.

Date Feb. 17, 1979

12130 - 2430 P.M.

ROLL CALL

FISH AND GAME COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
SMITH, Ed, Chairman	X		
GALT, Jack E., Vice Chairman	X		
ANDERSON, Mike	X		
GOODOVER, Pat M.	X		
MANLEY, John E.	X		
STIMATZ, Lawrence G.	X		
VAN VALKENBURG, Fred	X		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

February 17 19 79

MR. President

Fish and Game

We, your committee on

Senate 461

having had under consideration Bill No.

Senate 461

Respectfully report as follows: That Bill No.

DO PASS

Ed.

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HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

OF MONTANA

46th Legislative Session
January 3, 1979 to April 20, 1979

ROBERT L. ANDERSON

ROBERT PAVLOVICH

THOMAS R. CONROY

JONAS ROSENTHAL

AUBYN CURTISS

AUDREY ROTH

FRED DAILY

CARL SEIFERT

WILLIAM DAY

JACK UHDE

RALPH EUDAILY

WES TEAGUE, Vice-chairman

POLLY HOLMES

JOHN P. SCULLY, Chairman

DENNIS IVERSON

MICHAEL KEEDY

MARY ELLEN CONNELLY, Secretary

DANIEL KEMMIS

LARRY WEINBERG, Staff Attorney

KERRY KEYSER

EARL LORY

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 404	change time - purchase money security interest. etc.	2/23	Kolstad	Thurs. 3/8	be concurred in	3/17
SB 426	criminal offender is nondangerous for purposes of parole, etc.	2/23	Stimatz	Thurs. 3/8	as amended be concurred	3/15
SB 431	notice requirements for dental, license, etc.	2/23	Hafferman	Thurs. 3/8	as amended be concurred	3/16
SB 461	revise appointment procedures etc. for city attorneys	2/23	S. Brown	Thurs. 3/8	be concurred	3/14
SB 468	revise - courts of limited jurisdiction	2/23	Stimatz	Thurs. 3/8	as amended be concurred	3/16
SB 516	custody orders, temporary, etc.	2/23	Turnage	Thurs. 3/8	be concurred	3/17

SENATOR TURNAGE:

This bill was really the law prior to 1975 and in 1975 we adopted the model marriage and divorce act.

There was no discussion and the hearing closed on Senate Bill No. 516.

SENATE BILL NO. 461:

Senator Steve Brown. This will revise the appointment procedures and duties for city attorneys. On page 2, lines 9 and 10, we are putting into the statutes what is now being done. It would also provide additional duties for the city attorney. Section 4, they need a formal opinion oftentimes. In addition to duties set forth by statute on a question by questions basis they can contract for other duties. They can contract separately.

DAN MIZNER:

League of Cities and Towns. It is a problem that you may not realize. He discussed cities he was familiar with that had contracted out.

REPRESENTATIVE DAY:

Where are the cities that contract with North Dakota, and the answer was, a group up by the border, Westby and Culbertson.

REPRESENTATIVE EUDAILY:

What about my bill? Mr. Mizner said they did not want to confuse the attorney issue with the other bill.

REPRESENTATIVE KEEDY:

Does it include the city attorney, and Senator Brown said, yes, in section 4.

DAN MIZNER:

Explained section 2 and sections 3 and 4.

Representative Keedy led discussion about the fact that there is no maximum allowed for contracting. Mr. Mizner said, what we are trying to do is segregate out the city attorneys. This section includes all employees of the city.

Representative Keyser wondered whether this affects the city manager form of government. Discussion about this. There was no other discussion and the hearing closed on Senate Bill No. 461.

The meeting adjourned at 9:00 a.m. to go into executive session.


John P. Scully, Chairman

Representative Daily asked if Margaret Davis would explain how the League goes about endorsing or opposing a bill. Representative Scully said it would be fine, if she would do that, whereupon Margaret did explain the rationale and how the League comes to their conclusions on bills.

There was no further discussion and the hearing closed on HJR 55.

8:35 a.m.

The committee went back into executive session while waiting for Senator Regan.

SENATE BILL NO. 461:

Representative Kemmis moved "be concurred in". The motion carried with the vote unanimous. Representative Eudaily will carry on the floor.

Senator Regan came in so Representative Scully said they would resume the hearing.

SENATE BILL NO. 481:

Senator Regan. Since I worked the executive budget I walked over to the court and asked them if they wanted a pay raise or the mileage. They said they wanted a pay raise. She explained the bill and what it would do. The annual salary of each district judge is \$35,000. Act and necessary expenses for each judge shall be the travel expenses incurred in the performance of his official duties. The Senate struck section 16 which provided for a transition. In order to avoid that kind of challenge and then Section 16 was inserted. I will let you decide if Section 16 should be left in.

Representative Keedy asked what are they getting now. Senator Regan said they are getting the same as state employees because of what Hatfield did. It was the municipal judge that looked at the language and claimed more mileage. It wasn't the district judges that complained.

A general discussion followed about who is included under the bill.

Discussion about why Section 16 was stricken. It may be needed to make it constitutional. Discussion about this, also.

REPRESENTATIVE SCULLY:

Representative Kemmis will chair the meeting while I carry a bill in the Senate.

SENATE BILL NO. 217:

After general discussion it was decided to hold until Thursday.

SENATE BILL NO. 260:

Representative Lory moved "be not concurred in". Representative Keyser moved a substitute motion "be concurred in".

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(4) The annual salary and compensation of the treasurer must be fixed by ordinance and must be for all services rendered by such treasurer in any capacity.

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(6) The annual salary and compensation of the city clerk must be fixed by ordinance.

(7) The compensation of the street commissioner, chief of the fire department, city surveyor, and other city officers not provided in this code may be prescribed by ordinance."

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-End-